

CHAPTER 107

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 20-1145

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also SENATOR(S) Holbert and Garcia, Bridges, Cooke, Crowder, Donovan, Fields, Gardner, Ginal, Hansen, Hisey, Lundeen, Marble, Moreno, Priola, Rankin, Sonnenberg, Story, Tate, Todd, Williams A., Winter, Woodward.

AN ACT

**CONCERNING THE SAFETY CONSEQUENCES OF A DRIVER PASSING AN OFFICIAL VEHICLE THAT
DISPLAYS A WARNING LIGHT.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-4-705, **amend** (2) as follows:

42-4-705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle. (2) (a) A driver in a vehicle shall exhibit due care and caution and proceed as described in subsections (2)(b) and (2)(c) of this section when approaching or passing:

(I) A stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 42-4-213 or 42-4-222;

(II) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights; or

(III) A stationary public utility service vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights.

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in subsection (2)(c) of this section.

(c) (I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in subsection (2)(b) of this section, is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized EMERGENCY vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle; weather conditions; road conditions; and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(II) FOR THE PURPOSES OF THIS SUBSECTION (2)(c), THE FOLLOWING SPEEDS ARE PRESUMED TO BE SAFE UNLESS THE SPEEDS ARE UNSAFE FOR THE CONDITIONS AS PROVIDED IN SECTION 42-4-1101 (1) AND (3):

(A) IF THE SPEED LIMIT IS LESS THAN FORTY-FIVE MILES PER HOUR, TWENTY-FIVE MILES PER HOUR OR LESS; OR

(B) IF THE SPEED LIMIT IS FORTY-FIVE MILES PER HOUR OR MORE, TWENTY MILES PER HOUR LESS THAN THE SPEED LIMIT.

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-228 as follows:

24-33.5-228. Public awareness of laws concerning operation of vehicle in vicinity of emergency vehicle. THE CHIEF OR THE CHIEF'S DESIGNEE SHALL COORDINATE WITH THE DEPARTMENT OF TRANSPORTATION TO JOINTLY CREATE A CAMPAIGN RAISING PUBLIC AWARENESS OF THE REQUIREMENTS OF SECTION 42-4-705 AND OF THE DANGERS OF STATIONARY EMERGENCY AND SERVICE VEHICLES THAT ARE ON THE ROAD OR ON THE SIDE OF THE ROAD.

SECTION 3. In Colorado Revised Statutes, **add** 43-1-126 as follows:

43-1-126. Public awareness of laws concerning operation of vehicle in vicinity of emergency vehicle. THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL COORDINATE WITH THE CHIEF OF THE COLORADO STATE PATROL TO JOINTLY CREATE A CAMPAIGN RAISING PUBLIC AWARENESS OF THE REQUIREMENTS OF SECTION 42-4-705 AND OF THE DANGERS OF STATIONARY EMERGENCY AND SERVICE VEHICLES THAT ARE ON THE ROAD OR ON THE SIDE OF THE ROAD.

SECTION 4. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state money is necessary to carry out the purposes of this act.

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

Approved: April 17, 2020